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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/826,870	04/16/2004	Peter Bergethon	00398-157001

26161  
FISH & RICHARDSON PC  
225 FRANKLIN ST  
BOSTON, MA 02110

CONFIRMATION NO. 9829

## FORMALITIES LETTER



\*OC000000013084908\*

Date Mailed: 06/28/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/30/2004 GWORDOF1 00000034 10826870

FILED UNDER 37 CFR 1.53(b)

01 FC:2001 385.00 OP  
02 FC:2202 549.00 OP  
03 FC:2051 65.00 OP

**Filing Date Granted****Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$1098 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$1998 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

- Total additional claim fee(s) for this application is **\$1098**

- **\$1098** for **61** total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Peter Bergethon  
Serial No. : 10/826,870  
Filed : April 16, 2004  
Title : DETECTING ISCHEMIA

Art Unit : 3736  
Examiner : Unknown

**MAIL STOP MISSING PARTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

In response to the Notice to File Missing Parts of Application under 37 CFR §1.53(b) mailed June 28, 2004 (copy enclosed), applicant submits herewith the following:

- ☒ A check in the total amount of \$999.00 for payment of the basic filing fee of \$385, the additional claim fee for total claims over 20 of \$549, and the surcharge of \$65 for late filing of the basic filing fee and declaration;
- ☒ A declaration by the inventor in compliance with 37 CFR §1.63; and
- ☒ A Power of Attorney and Election of Assignee to Conduct Prosecution.

Applicant is entitled to small entity status.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

August 27, 2004  
Date of Deposit

Melissa Krugger  
Signature

Melissa Krugger  
Typed or Printed Name of Person Signing Certificate

Applicant : Peter Bergethon  
Serial No. : 10/826,870  
Filed : April 16, 2004  
Page : 2 of 2

Attorney's Docket No.: 00398-157001

It is understood that this perfects the application and that no additional papers or filing fees are required. Please apply any other charges or credits to Deposit Account No. 06-1050, with reference to attorney docket no. 00398-157001.

Respectfully submitted,

Date: August 26, 2004

Allyson R. Hutton Reg. No. 54,154  
Lee Crews, Ph.D.  
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